

IC 34-13-7

Chapter 7. Commencement of Action Against Public Employees and Government Entities by Offender

IC 34-13-7-1

Required submissions by an offender bringing an action against public employees and governmental entities

Sec. 1. (a) In addition to any other requirements under law, before filing a civil rights action or tort claim action against a public employee or government entity, an offender must submit to the trial court:

- (1) a copy of the complaint the offender wishes to file;
- (2) a list of all cases previously filed by the offender involving the same, similar, or related cause of actions; and
- (3) a copy of all relevant documents pertaining to the ultimate disposition of each previous case filed by the offender against any of the same defendants in a state or federal court. The relevant documents include:

- (A) the complaint;
- (B) any motions to dismiss or motions for summary judgment filed by the defendants in the actions;
- (C) the state or federal court order announcing disposition of the case; and
- (D) any opinions issued in the case by any appellate court.

(b) An offender must file with the court a brief that includes:

- (1) a legal argument;
- (2) a citation to authority; and
- (3) an explanation to the court why the new action is not subject to dismissal as a matter finally decided on its merits by a court and not subject to litigation again between the same parties.

(c) If the trial court determines that the complaint is frivolous, malicious, or otherwise utterly without merit, or fails to state a claim upon which relief may be granted, the court shall dismiss the complaint.

As added by P.L.80-2004, SEC.7.